



To the Honorable Council
City of Norfolk, Virginia


June 28, 2016

From: George M. Homewood, FAICP, CFM, Planning Director

Subject: Text amendment to section 14-4.2, "Festivals, bazaars, outdoor sale events, carnivals and circuses," of the *Zoning Ordinance* to increase the number of days allowed for such temporary events within the Pedestrian Commercial Overlay districts.

Reviewed: 
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: Citywide

Approved: 
Marcus D. Jones, City Manager

Item Number: **PH-6**

- I. **Staff Recommendation:** Approval.
- II. **Commission Action:** By a vote of **7 to 0**, the Planning Commission recommends **Approval**.
- III. **Request:** This request proposes to increase the number of days allowed for temporary events, not to include carnivals and circuses, within the Pedestrian Commercial Overlay districts.
- IV. **Applicant:** City Planning Commission
- V. **Description:**
 - Currently, temporary events, such as festivals, bazaars, and outdoor sale events, are permitted to occur no more than 14 days per year while carnivals and circuses are permitted to occur no more than 21 days per year.
 - The proposed text amendment would increase the maximum days allowed per year for festivals, bazaars, and outdoor sales events to 60 within any Pedestrian Commercial Overlay District (PCO) and would remain at 14 for properties outside of a PCO.
 - In addition, events could occur for no more than seven consecutive days at a time.
 - The maximum days permitted for carnivals and circuses would remain at 21 per year for all properties in the city.
 - The proposed text amendment accomplishes the intent of the PCOs as well as increased support for business investment in the city, as championed by the city's general plan, *plaNorfolk2030*.

VI. Historic Resources Impacts:

N/A

VII. Public Schools Impacts:

N/A

Staff point of contact: Chris Whitney at 823-1253, chris.whitney@norfolk.gov

Attachments:

- Staff Report to CPC dated May 26, 2016 with attachments
- Proponents and Opponents
- Ordinance

Planning Commission Public Hearing: May 26, 2016

Executive Secretary: George M. Homewood, FAICP, CFM *GH*

Planner: Chris Whitney, CFM *CW*

Staff Report	Item No. 3
Applicant	City Planning Commission
Request	Zoning Text Amendment Amendment to section 14-4.2, "Festivals, bazaars, outdoor sale events, carnivals and circuses," of the <i>Zoning Ordinance</i> to increase the number of days allowed for such temporary events.

A. Summary of Request

This request is to increase the number of days, per year, permitted for festivals, bazaars, outdoor sale events, carnivals, and circuses, all of which are considered "temporary uses" by the *Zoning Ordinance*.

B. Plan Consistency

- The Enhancing Economic Vitality chapter of *plaNorfolk2030* includes an action calling for modifications to city processes, including zoning requirements, to support business investment.
 - The proposed changes to the *Zoning Ordinance* are consistent with the recommendations of that action.

C. Zoning Analysis

- Currently, temporary events, such as festivals, bazaars, and outdoor sale events, are permitted to occur no more than 14 days per year while carnivals and circuses are permitted to occur no more than 21 days per year.
- The proposed text amendment would increase the maximum days allowed per year for festivals, bazaars, and outdoor sales events to 60 within any Pedestrian Commercial Overlay District (PCO) and would remain at 14 for properties outside of a PCO.
- In addition, events could occur for no more than seven consecutive days at a time.
- The maximum days permitted for carnivals and circuses would remain at 21 per year for all properties in the city.
- The intent of PCOs is to encourage the location of specialty retail, entertainment, and restaurant uses in proximity to residential uses and in concentrations that will enable and encourage pedestrian movement between establishments at a scale of development that is more conducive to pedestrian activity than automobile domination.

- Additionally, the PCOs intend to maintain and enhance the commercial vitality of the surrounding business areas and reinforce the existing concentration of pedestrian oriented commercial activities.
- These temporary events can only occur on private property.
 - If temporary events are held on public property or in the right-of-way, approval would be required from the Departments of Public Works and Special Events.
- These temporary events are not considered outdoor flea markets, which are permitted only by special exception in the 35th Street PCO.

D. Transportation Impacts

N/A

E. Historic Resources Impacts

N/A

F. Public Schools Impacts

N/A

G. Environmental Impacts

N/A

H. AICUZ Impacts

N/A

I. Surrounding Area/Site Impacts

Allowing these temporary events within the PCOs for longer periods of time should not have a negative impact on the surrounding areas, which typically include commercial uses.

J. Payment of Taxes

N/A

K. Civic League

- A letter of support was received from the Riverview Village Business Association on April 28.
- A letter of support was received from the Park Place Business Association on May 12.
- A letter of support was received from the Ghent Business Association on May 24.

L. Communication Outreach/Notification

Legal notification was placed in *The Virginian-Pilot* on May 12 and 19.

M. Recommendation

Staff recommends that the text amendment request be **approved**. The proposed text accomplishes the intent of the PCOs as well as increased support for business investment in the city, as championed by the city's general plan, *plaNorfolk2030*.

Attachments:

Proposed text

Letter of Support from Riverview Village Business Association

Letter of Support from Park Place Business Association

Letter of Support from Ghent Business Association

Proponents and Opponents


Proponents

None

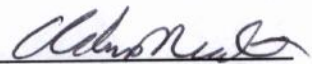
Opponents

None

05/24/2016 lds

Form and Correctness Approved: 

Contents Approved: 

By 
Office of the City Attorney

By 
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE TO AMEND SECTION 14-4.2 OF THE ZONING ORDINANCE OF THE CITY OF NORFOLK, 1992, SO AS TO INCREASE THE NUMBER OF DAYS ALLOWED FOR TEMPORARY FESTIVALS, BAZAARS, AND OUTDOOR SALE EVENTS IN PEDESTRIAN COMMERCIAL OVERLAY DISTRICTS.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That Section 14-4.2 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Festivals, bazaars, outdoor sale events, carnivals and circuses," is hereby amended and reordained so as to increase the number of days allowed for temporary festivals, bazaars, and outdoor sale events in Pedestrian Commercial Overlay Districts. The text shall read as forth in "Exhibit A," attached hereto.

Section 2:- The Council hereby finds that this zoning amendment is required by public necessity, convenience, general welfare, or good zoning practice.

Section 3:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT:
Exhibit A (1 page)

Exhibit A

14-4.2 *Festivals, bazaars, outdoor sale events, carnivals and circuses.* Festivals, bazaars, outdoor sale events, carnivals and circuses are permitted in any C, I, IN, OSP and D Districts; provided, however, that any such use shall require the zoning administrator's determination with regard to the adequacy of the parcel size, parking provisions, traffic access and the absence of undue adverse impact on adjacent properties. Such use shall be limited as follows:

- (a) Carnivals and circuses shall be limited to a total of not more than 21 days per year.
- (b) Bazaars and outdoor sale events held on property located in any Pedestrian Commercial Overlay district shall comply with the following limitations:
 - (1) The event shall be limited to no more than a total of 60 days per year and no more than seven (7) consecutive days;
 - (2) Any items or temporary structures associated with the event shall be removed from any outside area each day promptly after the event is closed; and
 - (3) The site on which the event is held shall be maintained free of debris and waste at all times.
- (c) For all other uses and locations, the event shall be limited to no more than a total of 14 days per year.
- (d) Such use need not comply with the yard requirements of this ordinance except that structures or equipment that might block the view of operators of motor vehicles on any public or private street shall not be located within the sight distance triangle defined in article I, chapter 2.
- (e) Such use need not comply with the maximum height requirements of this ordinance.
- (f) The concessionaire responsible for the operation of any such festival, bazaar, outdoor sale event, carnival or circus shall submit at least ten (10) calendar days in advance of the event date a site layout displaying adequate ingress and egress plan for emergency vehicles with no dead-end aisles.

Whitney, Chris

From: vernon fareed <mwsalaam@yahoo.com>
Sent: Thursday, May 12, 2016 8:07 AM
To: Whitney, Chris
Cc: Pollock, Susan
Subject: Re: Pending zoning text amendment - allowing more days for temporary events in PCOs

Chris,

We held our PPBA (Park Place Business Association) meeting on yesterday and the matter of extending the temporary events beyond the 14 days was brought to the attention of our members. We have no opposition to amending the zoning text to extend beyond 14 days for temporary events. If you need to contact me I can be reached at (757) 642-5074.

Thank You,
Vernon M. Fareed
PPBA President

On Wednesday, April 20, 2016 3:17 PM, "Whitney, Chris" <Chris.Whitney@norfolk.gov> wrote:

Mr. Fareed,

The Planning Department has received a request to amend the zoning ordinance to allow for temporary events to exceed the current maximum of 14 days per year. The application is tentatively scheduled to be heard by the Planning Commission at their May 26th public hearing. The requestor operates a business on 21st Street. Planning staff is currently proposing to allow more of these events just in the PCOs, as opposed to the entire city. Therefore, we would like your input as the business association and key stakeholder in the 35th Street PCO.

I've attached the current text in the Zoning Ordinance pertaining to temporary events, as well as our current proposal for the amendments.

Let me know if you have any questions or would like more clarification.

Thank you,

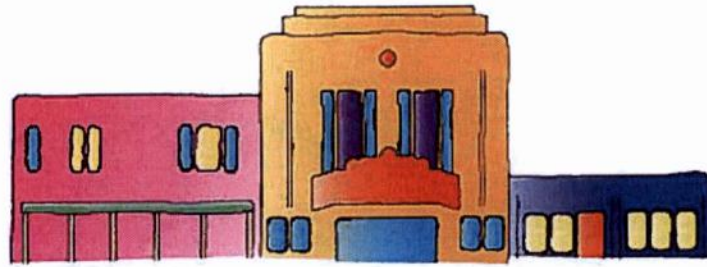
Chris Whitney, CFM
Management Analyst I



City Planning
810 Union Street, Suite 508
Norfolk, VA 23510
757-823-1253

Connect with us:
www.norfolk.gov





Ghent Business Association

May 24, 2016

City Council
City of Norfolk
City Hall
Norfolk, VA 23510

To whom it may concern,

The GBA would like to express its support to change the zoning text amendment to section 14-4.2. It is our understanding that this change would not apply to circuses and carnivals. If we have misunderstood the change, then we kindly ask that it be explained so we do not misinterpret the intent.

Sincerely,

Ted Enright
Corresponding Secretary
Development Committee Chairman
Ghent Business Association

-----Original Message-----

From: President [<mailto:rvba23504@yahoo.com>]

Sent: Thursday, April 28, 2016 11:01 AM

To: CP - Planning

Subject: Special Events

Mr. Fraley, Commissioners,

I am writing in support of an application to increase Annual Special Events allowed from the current 14 days in PCO Districts. Currently Village Days is operating just outside our PCO 2 events per month spring through fall and our businesses can see a marked improvement on days of the events. Although Village Days is not located in the Riverview Village PCO it shows how these events can support local businesses. I support by Special Exception increasing the number of Special Events days outside the PCOs for events like Village Days that have such a positive impact.

My only concern for increasing the days inside a PCO would be the selling of alcohol and food from outside vendors that would be in competition to brick and mortar businesses but these issues are most likely already addressed in the PCO regulations.

These Special Events can help form and grow the relationship between the local businesses and the community.

Ted Warren

Owner Charlie's American Cafe

President

Riverview Village Business Association